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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,814	06/21/2001	Randy L. Hackbarth	3-4-13	6861

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Thomas Stafford
4173 Rotherham Court
Palm Harbor, FL 34685

EXAMINER

YUSSUF, SAJID

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,814

Applicant(s)

HACKBARTH ET AL.

Examiner

Sajid A. Yussuf

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001 and 13 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

2. Claims 1, 11, 13, 25 objected to because of the following informalities:
 - a. As per claim 1 Line 2 Applicant states "in a group to participant," for purpose of examination Examiner assume "in a group to participate."
 - b. As per claim 11 Line 1 Applicant associates dependent claim 11 with itself, for purpose of examination Examiner assume Claim 11 depends of 1
 - c. As per claim 13 Line 2 Applicant states "in a group to participant," for purpose of examination Examiner assume "in a group to participate."
 - d. As per claim 25 Line 2 Applicant states "in a group to participant," for purpose of examination Examiner assume "in a group to participate."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international

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application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claim(s) 1-6, 13-18, 25, 26 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Megiddo (US Patent No. 6,559,863 and Megiddo hereinafter).

6. As per claim(s) 1, 13, 25 Megiddo discloses enabling a plurality of participants in a group to participant in an ongoing conference, (see Abstract); automatically collecting participation information of each of said participants in said group, (See Column 7 Lines 30-47); automatically determining which of said participants in said group are currently active in said conference, (See Column 5 Lines 29-56); and dynamically displaying a visual representation indicating which of said participants in said group are active in said conference, (See Column 1 Lines 35-56).

7. As per claim(s) 2, 14, 26 Megiddo teaches the claimed invention as described in claim(s) 1, 13, 25 above and furthermore discloses enabling participants of said group not currently active in said conference to monitor said conference, (See Column 1 Lines 56-67 & Column 2 Lines 1-9).

8. As per claim(s) 3, 15 Megiddo teaches the claimed invention as described in claim(s) 1-2, 13-14 above and furthermore discloses enabling said participants monitoring said conference to become active in said conference, (See Column 6 Lines 29-40).

9. As per claim(s) 4, 16 Megiddo teaches the claimed invention as described in claim(s) 1-3, 13-15 above and furthermore discloses enabling said participants monitoring said conference to listen to said conference, (See Column 7 Lines 7-30).

10. As per claim(s) 5, 17 Megiddo teaches the claimed invention as described in claim(s) 1-4, 13-16 above and furthermore discloses automatically collecting information on devices connecting to

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participants to said conference and wherein said step of dynamically displaying displays said device information to all of said participants, (See Column 5 Lines 29-56).

11. As per claim(s) 6, 18 Megiddo teaches the claimed invention as described in claim(s) 1-5, 13-17 above and furthermore discloses automatically collecting information on whether said active participants have spoken in said conference, (See Column 5 Lines 57-67 & Column 6 Lines 1-10).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- e. Determining the scope and contents of the prior art.
- f. Ascertaining the differences between the prior art and the claims at issue.
- g. Resolving the level of ordinary skill in the pertinent art.
- h. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claims 7-12, 19-24, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Megiddo et al. (US Patent No. 6,559,863 and Megiddo hereinafter) in view of Ludwig et al. (US Patent No. 5,884,039 and Ludwig hereinafter).

15. As per claim 7, 19, 27 Megiddo discloses the claimed invention as described above.

However, Megiddo does not explicitly teach automatically collecting information regarding prior conference participation of each of said participants.

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Ludwig teaches automatically collecting information regarding prior conference participation of each of said participants, (See Column 31 Lines 5-55).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Megiddo with the teachings of Ludwig to include a automatically collecting information regarding prior conference participation of each of said participants with the motivation to provide for multimedia that permits the asynchronous exchange of arbitrary multimedia documents including previously recorded teleconferences, (See Ludwig Column 3 Lines 15-29).

16. As per claim(s) 8, 20 Megiddo discloses the claimed invention as described above.

However, Megiddo does not explicitly teach said prior participation information includes at least whether a participant was active in the conference.

Ludwig teaches said prior participation information includes at least whether a participant was active in the conference, (See Column 33 Lines 38-67).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Megiddo with the teachings of Ludwig to include a said prior participation information includes at least whether a participant was active in the conference with the motivation to provide for multimedia that permits the asynchronous exchange of arbitrary multimedia documents including previously recorded teleconferences, (See Ludwig Column 3 Lines 15-29).

17. As per claim(s) 9, 21 Megiddo discloses the claimed invention as described above.

However, Megiddo does not explicitly teach said prior participation information further includes whether a participant spoke in the conference.

Ludwig teaches said prior participation information further includes whether a participant spoke in the conference, (See Column 33 Lines 38-67).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Megiddo with the teachings of Ludwig to include a

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said prior participation information further includes whether a participant spoke in the conference with the motivation to provide for multimedia that permits the asynchronous exchange of arbitrary multimedia documents including previously recorded teleconferences, (See Ludwig Column 3 Lines 15-29).

18. As per claim(s) 10, 22, 28 Megiddo discloses the claimed invention as described above.

However, Megiddo does not explicitly teach collecting participation information includes a step of collecting information on whether a participant has been active and/or an actual speaker in the conference during the conference.

Ludwig teaches collecting participation information includes a step of collecting information on whether a participant has been active and/or an actual speaker in the conference during the conference, (See Column 33 Lines 38-67).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Megiddo with the teachings of Ludwig to include a collecting participation information includes a step of collecting information on whether a participant has been active and/or an actual speaker in the conference during the conference with the motivation to provide multimedia that permits the asynchronous exchange of arbitrary multimedia documents including previously recorded teleconferences, (See Ludwig Column 3 Lines 15-29).

19. As per claim(s) 11, 23, 29 Megiddo discloses the claimed invention as described above.

However, Megiddo does not explicitly teach step of collecting participation information further includes a step of collecting said participation information for prescribed intervals of said conference.

Ludwig teaches step of collecting participation information further includes a step of collecting said participation information for prescribed intervals of said conference, (See Column 33 Lines 38-67).

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Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Megiddo with the teachings of Ludwig to include a step of collecting participation information further includes a step of collecting said participation information for prescribed intervals of said conference with the motivation to provide for multimedia that permits the asynchronous exchange of arbitrary multimedia documents including previously recorded teleconferences, (See Ludwig Column 3 Lines 15-29).

20. As per claim(s) 12, 24 Megiddo discloses the claimed invention as described above.

However, Megiddo does not explicitly teach said prescribed intervals include at least each day of the conference interval, each hour of each said day, each minute of each of said hours and each second of each of said minutes.

Ludwig teaches said prescribed intervals include at least each day of the conference interval, each hour of each said day, each minute of each of said hours and each second of each of said minutes, (See Column 33 Lines 38-50).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Megiddo with the teachings of Ludwig to include a said prescribed intervals include at least each day of the conference interval, each hour of each said day, each minute of each of said hours and each second of each of said minutes with the motivation to provide for multimedia that permits the asynchronous exchange of arbitrary multimedia documents including previously recorded teleconferences, (See Ludwig Column 3 Lines 15-29).

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- i. Hogan et al. (US Patent No. 5,933,597) discloses method and system for sharing objects between local and remote terminals;

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m. Bayrakeri et al. (US Patent No. 6,185,602) discloses multi-user interaction of multimedia communication;

n. Moller et al. (US Patent No. 6,598,074) discloses system and method for enabling multimedia production collaboration over a network;

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajid A. Yussuf whose telephone number is (571) 272-3891. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM and Alternate Fridays.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sajid Yussuf
Patent Examiner
Technology center 2100
18 October 2004



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PRIMARY EXAMINER